

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEITH BENNETT JOHNSON,

Plaintiff,

v.

UNITED STATES PROBATION
DEPARTMENT,

Defendant.

3:08-CV-0544-LRH (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On October 6, 2008, plaintiff filed a request to proceed *in forma pauperis* (#1). Upon review of the documents filed, the court found that plaintiff's declaration was insufficient for the court to act on the application (#4). The court ordered plaintiff to complete a more detailed application to proceed *in forma pauperis* on or before Friday, May 29, 2009.¹ Because plaintiff was attempting to sue the U.S. Probation Department in order to obtain permission to travel to France and Spain, plaintiff was also ordered to include a written explanation as to how he intended to travel to France and Spain with no income (#s 4 & 5). Plaintiff was cautioned that failure to do so would result in a recommendation to the District Court to dismiss this action. *Id.* Plaintiff failed to respond to this court's orders.

¹On January 7, 2009, the court originally ordered plaintiff to complete a more-detailed application to proceed *in forma pauperis* by September 30, 2009 (#4). On April 29, 2009, after recognizing the September deadline was a typographical error, the court amended its order and required plaintiff to complete by the application no later than May 29, 2009 (#5)

1 Based upon the foregoing, the undersigned magistrate judge recommends that this action be
2 dismissed without prejudice.

3 The parties should be aware of the following:

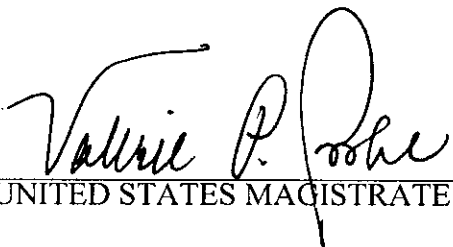
4 1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules
5 of Practice, specific written objections to this Report and Recommendation within ten (10) days of
6 receipt. These objections should be titled "Objections to Magistrate Judge's Report and
7 Recommendation" and should be accompanied by points and authorities for consideration by the District
8 Court.

9 2. This Report and Recommendation is not an appealable order, and any notice of appeal
10 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's
11 judgment.

12 **RECOMMENDATION**

13 For the reason stated above, the undersigned Magistrate Judge recommends that the District
14 Court enter an order **DENYING** plaintiff's motion for leave to travel (#3), and **DISMISSING** this
15 action without prejudice.

16 DATED: July 14, 2009.

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19 UNITED STATES MAGISTRATE JUDGE
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